



TOWN OF LOOMIS
ACTION MINUTES
ADJOURNED REGULAR MEETING
LOOMIS TOWN COUNCIL
LOOMIS TOWN HALL
6140 HORSESHOE BAR ROAD, SUITE K, LOOMIS, CA 95650

MONDAY

AUGUST 24, 2009

6:30P.M.

CALL TO ORDER

Call to order by Mayor Scherer at 6:33 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Scherer
Councilmember Kelley
Councilmember Liss
Councilmember Morillas
Councilmember Ucovich

Absent: None

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes. No public comment.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

BUSINESS

1. **Open Space Committee 2 Recommendations Review** (Continued from Aug 11, 2009) TC 12/9/08
At the February 2008 joint meeting of Planning Commission and Park & Open Space Commission the Council developed work plan goals for the Park & Open Space Commission that included a Council review of recommendations from Open Space Committee 2 to determine which recommendations to submit to the Park & Open Space Commission (now the PROS Committee) as matters to include in the update of the 1998 Parks and Recreation Master Plan
Recommended action: Determine Council recommendations for the remaining items (starting at E on page 12) and confirm previous Council actions
Public comment:

E. Other Policies

1) Require an annual report from staff as to how the Open Space preservation goals, set forth in the General Plan are being met.

Jean Wilson, 4301 Barton Road, suggested referring to the Park, Recreation and Open Space Committee (PROSC).

Following further discussion on the matter, a motion was made to refer to PROSC. On motion by Councilmember Liss, seconded by Councilmember Morillas and passed by voice vote.

2) Adopt the new Tree Ordinance (Section 13.54) as revised by the Town arborist, incorporating comments from the public workshop

Jean Wilson encouraged Council to modify the wording so it isn't implying that it will be adopted as is, before it is reviewed, and revised.

Vic Markey, 3254 Taylor Road and Chair of the PROSC, stated that the PROSC could review the Tree Ordinance and submit recommendations to the Council.

Following further discussion on the matter, a motion was made to refer to PROSC. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

3) The Town should be willing to purchase key properties, if only temporarily, in order to create conservation easements. This may mean incurring short term debt.

Jean Wilson pointed out that this was not a good idea at this time because of limited budget and reserves.

Following further discussion on the matter, a motion was made to table this item. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote, with Mayor Scherer and Councilmember Liss voting no.

4) Establish and fund a new position of Environmental Compliance specialist to implement and monitor Town policy regarding open space and environmental protections.

Jean Wilson stated that council could re-consider in a future year in conjunction with other compliance issues, but at this time there is no money in the current economy.

Following further discussion on the matter, a motion was made to table this item. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

5) Re-create a Design Review Board, as existed prior to formation of the Town.

Jean Wilson stated the following:

- a design review board is not needed, it will only create another level of bureaucracy, forms, delays and expenses
- we already have Planning Commission design review for industrial and commercial areas
- we do not need or want to become a community of cookie cutter homes
- asked Council not to reinstate it

Pat Miller stated that she was in favor of re-creating a design review board.

Vic Markey stated the following:

- they are dealing with these issues already
- they look at what the value is that Loomis is looking for (design review) when they do the green sheets (project review sheet)

Following further discussion on the matter, a motion was made to return this item to Council. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

6) Provide training materials for developers regarding Loomis policies for preservation of open space and rural character.

Jean Wilson suggested using "informational" rather than "training" materials.

Tom Seth suggested getting information to the developer before he starts taking down trees, grading, etc.

Council agreed this was already done.

7) Establish policy to protect a broader riparian area than that defined by the USGS "blueline" mapping.

Jean Wilson pointed out that this was already covered under previous section on natural resources and being looked at by the consultant.

Following further discussion on the matter, a motion was made to send this back to PROSC to review it and make a recommendation on a policy. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote with Councilmember Kelley and Councilmember Morillas voting no.

Review of Proposed Projects

1) Open Space Preservation should be a part of the review process for new projects.

This item is already being done.

2) Some form of open space advisory group should be continued to assist with this process.

This item is done.

3) Town should clearly define the staff responsibility for review and approval of project CC&Rs and Development Notebooks (for individual lots).

Pat Miller stated the following:

- when she was on the OSC 2 they were frequently confused, they had a hard time finding out where a decision came from
- confusion also came from different departments on where a direction comes from or approval and what backs up that approval
- questioned why is it okay to take out a lot of trees in one area when she can't take out a lot of trees on her property

Following further discussion on the matter, a motion was made to have this item come back to the Council. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

4) The Town should adopt a policy of expecting wetlands and other open space areas within developments to be preserved as a separate parcel and not as portions of building lots.

Jean Wilson stated the following:

- the Planning Commission is doing this where feasible, it is not needed or practical in all cases
- this item needs to be left flexible to look at each case individually

Tom Seth stated the following:

- reference to Montserrat, on the lots there is a building envelope for the house then to the back of the envelope is preserved for open space
- some developments have not followed through in preserving the open space
- he would like to see the open space separated so it is clearly defined

Jeremy Sutter, 3145 Orchard Park Court, stated the following:

- be careful how you structure the rules for developers, staff needs to have the flexibility and creativity or we can have bad development
- for example, the proposed development next to his property took out every tree and put retaining walls everywhere and said their hands were tied because of the Town ordinance required drainage to the front of the street
- the Planning Commission needs to have the flexibility to work with people and have good projects come forward

Pat Miller stated the following:

- it says a "policy of expecting," a policy is not rule or a law
- there is nothing wrong with having an expectation of preserving wetlands as a policy that gives flexibility on a case by case basis

Vic Markey stated that flexibility is good up to a point but there are some areas that separation would help to preserve open space.

Following further discussion on the matter, a motion was made to refer this item to PROSC. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

5) The Town should be willing to hold easements on wetlands and other open space areas.

No public comment.

Following further discussion on the matter, a motion was made to refer this item to PROSC. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote with Councilmember Kelley abstaining.

Funding & Resources

1) Extend the Town's agreement (MOU) with the Placer Land Trust.

This item is done.

2) Maximize funding for open space preservation from the following sources: developer fees, business license fees, commercial & industrial fees, fines for code violations, sales tax dedication, donations and special assessment districts.

Jean Wilson stated the following:

- council is the agency to set where such taxes and fees should come from
- some of the sources in this list are not feasible or reasonable, particularly "maximizing" such fees
- recommend Council look at all possible funding sources

This item is already being done.

3) Set up a funding committee to develop a comprehensive funding plan for open space preservation.

This item is already being done.

4) Encourage/require developers to dedicate open space land or establish conservation easements.

This item is already being done.

5) Review/strengthen Town policy for requiring parkland dedication or in-lieu fees from developers.

This item is already being done.

Jean Wilson pointed out that there are certain restraints on what we can do according to State law, for example the Quimby Act, and that needs to be clarified to PROSC.

Education & Outreach

1) Educate the public about opportunities, methods and advantages (including financial) of preserving open space and getting involved in the review of proposed projects.

No public comment.

This item is already being done.

2) Make public aware of specific projects even before the Planning Commission reviews them; organize educational programs & events to keep public informed.

No public comment.

Following further discussion on the matter, a motion was made to return this item to Council for further definition. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote.

3) Promote the various legal mechanisms for preserving open space with developers at an early stage.

No public comment.

This item is already being done.

4) Work closely with the Placer Land Trust, Placer Legacy (Placer County). The Dry Creek Conservancy and other "partners" to achieve the Town's open space goals.

No public comment.

Following further discussion on the matter, a motion was made to refer this item to PROSC. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote.

5) Work with Municipal Advisory Committees to identify and preserve open space contiguous to the Town, including the preservation of wildlife corridors.

No public comment.

Following further discussion on the matter, a motion was made refer this item to PROSC. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote with Councilmember Kelley and Councilmember Morillas voting no.

Jean Wilson asked to discuss the fencing issue.

B. Zoning Ordinance

5. Limit fencing near open space areas to post & cable, open rail or large-cell wire mesh types to allow wildlife movement.

Jean Wilson stated the following:

- many residents that live in the rural area have open space by definition
- asked Council not to leave this the way it is, because this does not allow plastic mesh or deer fencing and would not allow a property owner to use the kind of fencing that keeps the animals out of their garden, crops, orchard and back yard
- she would like to see this not confirmed tonight and to go back to the Fencing Ordinance that was already approved

Tom Seth said he would like to see this item come back to the Council.

Following further discussion on the matter, a motion was made to table this item. On motion by Councilmember Kelley, seconded by Councilmember Morillas and passed by voice vote with Councilmember Liss voting no.

ADJOURNMENT

A motion was made to adjourn at 8:04 p.m. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote.

Mayor

Town Clerk